

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

KENNETH MOODY,)	
)	
Petitioner,)	CASE NO. C04-1805C
)	(CR00-79C)
v.)	
)	
UNITED STATES OF AMERICA,)	ORDER DISMISSING
)	PETITIONER'S § 2255 MOTION
)	
Respondent.)	
_____)	

The Court, having reviewed petitioner's motion under 28 U.S.C. § 2255 to vacate, set aside, or correct his sentence, the government's response, the Report and Recommendation of the Honorable Monica J. Benton, United States Magistrate Judge, and the remaining record, does hereby find and ORDER:

- (1) The Court adopts the Report and Recommendation.
- (2) Petitioner's § 2255 motion is DISMISSED as untimely.
- (3) The Clerk is directed to send a copy of this Order to petitioner, to counsel for respondent, and to Judge Benton.

DATED this 7th day of December, 2005.



John C. Coughenour

United States District Judge